

**SUMMARY REPORT OF INVESTIGATION****I. EXECUTIVE SUMMARY**

Date of Incident:	January 7, 2018
Time of Incident:	12:25 PM
Location of Incident:	[REDACTED]
Date of COPA Notification:	January 7, 2018
Time of COPA Notification:	8:46 AM

[REDACTED] and his son (also named [REDACTED]) were parked on the side of the street due to car trouble at [REDACTED]. As they were parked, they allege that the driver of a white truck, with Illinois license plate number [REDACTED], began directing profanity at them. They allege that the driver then pulled next to the elder [REDACTED] and used profanity once more, displayed a firearm and pointed it at him stating, "I'm gonna shoot you." Chicago Police Officers were called to the scene, but the [REDACTED] relocated to the [REDACTED] District to make a report. The license plate that the [REDACTED] saw was registered to Officer [REDACTED] # [REDACTED] ("Officer [REDACTED] [REDACTED]").

**II. INVOLVED PARTIES**

Involved Officer #1:	[REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED], 2009, Police Officer, Unit of Assignment: [REDACTED], Date of Birth: [REDACTED], 1977, Male, White
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED], 1997, Male, Hispanic
Involved Individual #2:	[REDACTED], Date of Birth: [REDACTED], 1971, Male, Hispanic

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. Unnecessarily displayed his weapon at [REDACTED] [REDACTED], in violation of Rules 2, 3, 8, and 38.  2. Unnecessarily pointed his weapon at [REDACTED] [REDACTED], in violation of Rules 2, 3, 8, and 38.	Sustained/10 Day Suspension
		Not Sustained

3. Used profanity at [REDACTED], in violation of Rules 2, 3, 8, and 9.	Not Sustained
4. Threatened to shoot [REDACTED], in violation of Rules 2, 3, 8, and 9	Not Sustained

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

1. **Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
  2. **Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
  3. **Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
  4. **Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
  5. **Rule 38:** Unlawful or unnecessary use or display of a weapon.
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##### General Orders

1. **G03-02-01:** Force Options
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#### V. INVESTIGATION<sup>1</sup>

##### a. Interviews

Officer [REDACTED] # [REDACTED] ("Officer [REDACTED]") statement<sup>2</sup> to COPA was taken on November 28, 2018.<sup>3</sup> Officer [REDACTED] stated he was off-duty on January 7, 2018. Officer [REDACTED] stated he drove a white [REDACTED] pickup with Illinois license plate [REDACTED] on January 7, 2018 at approximately 12:25 PM. Officer [REDACTED] stated he carried a Smith and Wesson Model [REDACTED], or a chrome revolver, on this date.

Officer [REDACTED] stated he was driving northbound on [REDACTED], a one-way street, when he observed two vehicles double parked in middle of the street. Officer [REDACTED] indicated there were four cars across blocking the street. Officer [REDACTED] said he pulled next to the two parked vehicles and saw two men (one physically older than the other<sup>4</sup>) talking to each other. Officer [REDACTED] stated he waited approximately one minute. Officer [REDACTED] stated he did not see any wires

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<sup>1</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis. COPA was unable to interview or secure affidavits from the [REDACTED], however the Chief of CPD's Bureau of Internal Affairs, [REDACTED], approved the continuation of this investigation. See Attachments 21 and 22

<sup>2</sup> Attachments 28 and 30

<sup>3</sup> Officer [REDACTED] was accompanied by counsel of his choosing.

<sup>4</sup> Hereinafter, the older male will be referred to as "father" and the younger male will be referred to as "son."

and did not remember if the men were attempting to jump start a vehicle. Officer [REDACTED] stated he saw the men look in their rear-view mirror at him and observed the men visibly upset that Officer [REDACTED] was behind them. After waiting a minute, Officer [REDACTED] stated he tapped his horn twice to let them know he was behind them. Officer [REDACTED] stated the father was visibly upset, threw his arms up, and pulled up about sixteen feet. Officer [REDACTED] indicated after the father moved his vehicle, the vehicles were staggered and he had to "drive an S to get through these cars."<sup>5</sup>

Officer [REDACTED] stated "as [he was] pulling up through this "S", to maneuver through these vehicles"<sup>6</sup> the father waved his arm out of his window because he wanted to engage in a confrontation or conversation. Officer [REDACTED] believed the father wanted to engage in conversation because he heard him yelling<sup>7</sup> and "frantically"<sup>8</sup> waving out of his window. Officer [REDACTED] stated he pulled in between the two vehicles. Officer [REDACTED] stated he was unable to see what the father was doing in the vehicle. Officer [REDACTED] stated he then grabbed his revolver and placed it on his lap, pointed to his door, because he felt trapped between the two vehicles. Officer [REDACTED] stated as he pulled up his vehicle, the father "starts to nudge his vehicle over"<sup>9</sup> explaining he turned the wheel left while moving forward towards the truck to box Officer [REDACTED] in the street. Officer [REDACTED] stated the father moved his vehicle about two feet. Officer [REDACTED] stated he was afraid of what the father would do and did not know if the father would draw a gun on him when he stopped next to the father.

Officer [REDACTED] stated he stopped parallel to the father's vehicle and heard him yelling more. Officer [REDACTED] stated as he simultaneously tried to drive his vehicle, listen to and look at the father, he lowered his passenger window, and reached up to turn off the radio with the hand holding the gun. Officer [REDACTED] stated he hit the radio button with his pinkie while holding his gun. Officer [REDACTED] stated he raised the gun higher than the dashboard, high enough for the father to see. Officer [REDACTED] stated the gun was pointed to his front windshield. Officer [REDACTED] stated he did not point his gun at the father. Officer [REDACTED] said he wanted to have control of his gun so he kept it in his hand.

Officer [REDACTED] stated the father did not react when he saw the gun. Officer [REDACTED] stated the father said, "What the fuck is your problem?"<sup>10</sup> Officer [REDACTED] replied to him, "The problem is, you're blocking the street."<sup>11</sup> Officer [REDACTED] said the father then told him "Well, fuck you and the street."<sup>12</sup> Officer [REDACTED] stated he did not threaten the father. Officer [REDACTED] stated he did not say to the father, "I'm gonna shoot you." Officer [REDACTED] believed he did not use profanity at the father.

Officer [REDACTED] stated he saw the son walking towards his truck and since he was able to drive away he did. Officer [REDACTED] said he was stopped next to the vehicle for less than ten

<sup>5</sup> Attachment 30, page 11, line 11

<sup>6</sup> *Id.* at page 12, line 16-17.

<sup>7</sup> Officer [REDACTED] did not know what the father was specifically yelling.

<sup>8</sup> *Id.* at line 24.

<sup>9</sup> *Id.* at page 13, line 12.

<sup>10</sup> *Id.* at page 18, line 11

<sup>11</sup> *Id.* at line 15.

<sup>12</sup> *Id.* at line 16.

seconds. Officer [REDACTED] stated he drove north to [REDACTED]. Officer [REDACTED] indicated that the father followed him for three blocks. Officer [REDACTED] stated he turned right on [REDACTED] and the father turned left on [REDACTED].

#### b. Digital Evidence

During the son's **911 calls**,<sup>13</sup> he informs the dispatcher that he wants to make a police report about an incident that occurred three to five minutes prior. The son told the dispatcher that he was on [REDACTED] trying to get his car started. The son said there was enough space to pass his vehicle. The son further told the dispatcher that when his father was moving his vehicle to the side, a [REDACTED] with a male, white driver made a "whole big deal"<sup>14</sup> because his father may have been blocking the driver. The son said that the driver used profanity at his father. The son said the driver then pulled a handgun on them and said he would shoot his father. The son indicated to the dispatcher that the truck's license plate number was [REDACTED]. The son also indicated to the dispatcher that the driver went northbound and made a left on [REDACTED].

#### c. Physical Evidence

Sergeant [REDACTED] ("Sgt. [REDACTED]") **Body-Worn Camera ("BWC")**<sup>15</sup> depicts the [REDACTED], father and son, providing a statement to Sgt. [REDACTED] at the [REDACTED] District. The BWC depicts the son stating his car had trouble in front of his house and his father helped him. The son states that there was enough space for cars to go around him. The son said a white truck sped down the street and stopped near them. The son told his father to move his car and let the truck pass. The father moved and parked his vehicle to the side. The son told Sgt. [REDACTED] that the truck driver parked alongside the father and rolled down his window and cursed at them. The son said his father told the truck driver to calm down, and then the truck driver pulled a revolver on his father. The son told Sgt. [REDACTED] that he was behind the vehicle, but saw the revolver. The father followed the truck and took a picture of the license plate. Sgt. [REDACTED] told the [REDACTED] that the truck's license plate was registered to a police officer, and he must get a complaint number because what they were reporting was officer misconduct.

#### d. Documentary Evidence

The **OEMC Event Query**<sup>16</sup>, event # [REDACTED], states the driver of a [REDACTED] [REDACTED], license plate [REDACTED], flashed a gun at [REDACTED].

An **Initiation Report**<sup>17</sup> authored by Sgt. [REDACTED] # [REDACTED] states that he responded to a request for a supervisor at [REDACTED] and was met on scene by Beat [REDACTED]. According to the Initiation Report, Beat [REDACTED] was assigned to an aggravated assault call in which a male white driver in a [REDACTED] with plate [REDACTED] flashed a gun at the victim. While on scene it was discovered, after the dispatcher ran the plate, the vehicle was registered to [REDACTED]

<sup>13</sup> Attachment 19

<sup>14</sup> *Id.* at EV # [REDACTED] at 0:38 seconds.

<sup>15</sup> Attachment 20

<sup>16</sup> Attachments 16 and 29

<sup>17</sup> Attachment 17

[REDACTED], a police officer who was off-duty at the time. The report states the father and son, both named [REDACTED], followed the white truck and took a picture of the license plate then relocated to the [REDACTED] District and Sgt. [REDACTED] interviewed them.

The report states the father and son told Sgt. [REDACTED] that they were jump starting a car when they observed a [REDACTED] traveling at a high rate of speed towards them. The father indicated to Sgt. [REDACTED] that he and his son were not blocking traffic and there was space for traffic to pass through. The report further states the driver of the truck, stopped his truck, rolled his window down, and began cursing at the father and son ordering them to move. The report states the father moved his vehicle to the side of the street, and then the driver of the truck pulled next to the father and again cursed at him. The report states that the driver of the truck then displayed a chrome revolver, pointed it at the father, and stated "I'm gonna shoot you!" The report states the driver of the truck then proceeded northbound on [REDACTED] and continued westbound on [REDACTED] Street.

The Chicago Police Department **Original Case Incident Report**<sup>18</sup>, RD # [REDACTED], lists [REDACTED] as the victim, [REDACTED] as the suspect, and assault/aggravated with a handgun as the offense.<sup>19</sup> The report's narrative section is substantially similar to the Initiation Report.

## VI. ANALYSIS

COPA recommends a finding of Sustained for Allegation #1 against Officer [REDACTED], that he unnecessarily displayed his weapon to [REDACTED]. General Order G03-02-01 regulates when an officer can deploy his firearm, but the order does not address when an officer can or cannot draw his firearm from his holster. Rule 38 clarifies when an officer can display his firearm, stating that "an officer is prohibited from unlawfully or unnecessarily using or displaying a weapon." Determining whether Officer [REDACTED] display of his firearm was prohibited during this incident is fact dependent.

It is undisputed that Officer [REDACTED] displayed his weapon when he removed it from where it was secreted and raised it above the dashboard. At no point was it objectively reasonably necessary for Officer [REDACTED] to display his firearm. Officer [REDACTED] stated that he drew his weapon because he felt trapped between two vehicles, however, Officer [REDACTED] on his own decided to stop next to the father's vehicle. Even if the father indicated to Officer [REDACTED] to stop, he did not have to stop, especially if he felt trapped. Officer [REDACTED] could have continued to drive by the two vehicles and continued on his way. Instead, he decided to stop and engage the father and son duo. Nothing in Officer [REDACTED] interaction with the [REDACTED], rose to the level of him displaying his firearm, and COPA concludes that Officer [REDACTED] only did so to scare and intimidate the pair.

COPA recommends a finding of Not Sustained for Allegation #2 against Officer [REDACTED], that he unnecessarily pointed his weapon at [REDACTED]. Officer [REDACTED] denied this allegation. The son said he saw the gun but did not specify whether he saw Officer [REDACTED] point

<sup>18</sup> Attachment 18

<sup>19</sup> Accord attachment 15

it at the father. Although possible that Officer [REDACTED] pointed his weapon at the father, due to the lack of corroborative evidence, COPA could not determine whether he did. Therefore, COPA recommends a finding of Not Sustained for Allegation #2.

COPA recommends findings of Not Sustained for Allegations #3 and #4 against Officer [REDACTED], that he used profanity at [REDACTED] and threatened to shoot [REDACTED]. Officer [REDACTED] denied these allegations. There is no additional evidence or available information to corroborate or refute the [REDACTED] statements. While it is clear that profanity was used during the incident, it is not clear by a preponderance of the evidence by whom. Likewise, there is not enough evidence to prove or disprove whether Officer [REDACTED] threatened to shoot the elder [REDACTED].

## VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Officer [REDACTED] # [REDACTED]

#### i. Complimentary and Disciplinary History

1. Officer [REDACTED] has the following complimentary history:  
Attendance Recognition Award: 1  
Honorable Mention: 21  
Department Commendation: 2  
Complimentary Letter: 6  
NATO Summit Service Award: 1  
2009 Crime Reduction Award: 1
  
2. Officer [REDACTED] has the following disciplinary history: Court Appearance Violation: No disciplinary action

#### ii. Recommended Penalty, by Allegation

1. COPA recommends a penalty of a 10 Day Suspension for Allegation No. 1.

## VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding/ Recommendation
Officer [REDACTED] [REDACTED]	1. Unnecessarily displayed his weapon at [REDACTED] [REDACTED], in violated of Rules 2, 3, 8, and 38  2. Unnecessarily pointed his weapon at [REDACTED] [REDACTED] in violated of Rules 2, 3, 8, and 38	Sustained/10 Day Suspension
		Not Sustained

3. Used profanity at [REDACTED], in violated of Rules 2, 3, 8, and 9	Not Sustained
4. Threatened to shoot [REDACTED], in violated of Rules 2, 3, 8, and 9	Not Sustained

Approved:

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Date

*Deputy Chief Administrator – Chief Investigator*

**Appendix A**

Assigned Investigative Staff

<b>Squad#:</b>	[REDACTED]
<b>Investigator:</b>	[REDACTED]
<b>Supervising Investigator:</b>	[REDACTED]
<b>Deputy Chief Administrator:</b>	[REDACTED]